

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSHUA WILLIAMS,

Petitioner,

v.

ATTORNEY GENERAL OF
PENNSYLVANIA, *et al,*

Respondents.

Civil Action No. 2:22-cv-569

Hon. William S. Stickman IV
Hon. Lisa Pupo Lenihan

ORDER OF COURT

AND NOW, this 2nd day of December 2022, after Petitioner Joshua Williams (“Petitioner”) filed a Petition for Writ of Habeas Corpus (ECF No. 3), and after a thorough Report and Recommendation was filed by Magistrate Lisa Pupo Lenihan recommending the denial of all Petitioner’s claims and the denial of a certificate of appealability (ECF No. 15), and having received Petitioner’s Objections (ECF No. 18) and conducting its independent *de novo* review of the entire record, the Court hereby ADOPTS Magistrate Judge Lenihan’s Report and Recommendation as its Opinion. It concurs with her thorough legal analysis of Petitioner’s claims, her legal conclusions, and her recommendations. It has independently reached the same conclusions. The Court hereby OVERRULES Petitioner’s Objections (ECF No. 18). The principles of equitable tolling do not apply, and Petitioner’s case is not one of first impression despite his belief otherwise.

IT IS HEREBY ORDERED that Petitioner’s Writ of Habeas Corpus is DENIED.

IT IS FURTHER ORDERED that that a certificate of appealability is DENIED. Reasonable jurists would not find the Court's conclusion – i.e., that Petitioner's Petition for Writ of Habeas Corpus is untimely – debatable or wrong.¹

AND, IT IS FINALLY ORDERED that, pursuant to Federal Rule of Appellate Procedure 4(a)(1), if Petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided in Federal Rule of Appellate Procedure 3.

The Clerk is directed to mark this CASE CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "WILLIAM S. STICKMAN IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004).